

In the United States Court of Federal Claims

No. 16-1047T

(E-Filed: December 2, 2020)

_____)
BANK OF AMERICA CORPORATION,)
as successor by merger to FLEETBOSTON)
FINANICIAL CORPORATION, as)
successor by merger to SUMMIT)
BANCORP. Subsidiaries,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
_____)

ORDER

On December 1, 2020, defendant filed, on behalf of the parties, a stipulation for dismissal with prejudice in this matter. See ECF No. 44. Accordingly, pursuant to Rule 41(a) of the Rules of the United States Court of Federal Claims and the parties' joint stipulation, ECF No. 44, the clerk's office is directed to **ENTER** final judgment **DISMISSING** plaintiffs' complaint, as follows:

IT IS HEREBY STIPULATED AND AGREED that the complaint will be dismissed with prejudice, except that the dismissal is without prejudice to –

- a. Plaintiff's rights, if any, to assert additional interest netting claims with respect to
 1. The balances "still available for potential netting" shown in the DMI computations annexed as Attachment A to the offer; and/or

2. Any refund, payment, or credit issued pursuant to the settlement; and
- b. The United States' rights to assert any and all available defenses against any such additional netting claims.

Plaintiff may not assert interest netting claims for any additional overpayments of previously paid, assessed underpayment interest for Bank of America's 2004 income tax year.

IT IS FURTHER STIPULATED AND AGREED that each party will bear its own costs and expenses of litigation, including any attorneys' fees.

Id. at 1-2.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Judge